IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6404 OF 2005

The State of Maharashtra .. Applicant.
Vs.
Sambhaji Dinkar Savarde & Ors. .. Respondents.

Mr.S.R.Shinde A.P.P. for the applicant.

CORAM : D.B.BHOSALE, J.

DATED : 6th JUNE, 2006

P.C.:

. This appeal is directed against the order of acquittal of the offence under section 3(1)(x) of Schedule Caste and Schedule Tribes Act, 1989 (for short "the Atrocities Act"), 7(1)(d) of Protection of Civil Rights Act, 1955 and section 323 of Indian Penal Code.

2. The respondent-accused were prosecuted on the allegations that they abused one Gaurabai on her caste constituting an offence under the provisions of Atrocities Act. The alleged occurrence took place in the presence of two other persons i.e. P.W.2 - Tanaji and P.W.3 Shalabai. A perusal of the material on record shows, and as rightly observed by the trial Court, there are several omissions, contradictions and inconsistencies in their evidence apart from the fact that the medical certificate - Exhibit-26 does not

support their version. It appears from the record that there was political rivalry between the two groups and perhaps the alleged complaint was the outcome of the said rivalry. There was also delay in filing the complaint. Keeping all this in view and considering the reasons recorded by the Court below on appreciation of the evidence on record it cannot be said that it is unreasonable and perverse and the view taken by the trial Court is reasonably not possible. I find no substantial or compelling reasons to interfere with the order of acquittal. In the circumstances the application seeking leave to file the appeal is rejected.

(D.B.Bhosale, J.)